

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 23-3001****September Term, 2022****1:22-sc-02144-BAH****Filed On:** January 25, 2023

In re: Sealed Case

**BEFORE:** Henderson, Katsas, and Rao, Circuit Judges

**ORDER**

Upon consideration of the motion for stay pending appeal, the response thereto, and the reply; and the administrative stay entered on January 5, 2023, it is

**ORDERED** that the administrative stay be dissolved. It is

**FURTHER ORDERED** that the motion for stay be granted insofar as the order on appeal denied appellant's motion to withhold records. Appellant has satisfied the stringent requirements for a stay pending appeal. See Nken v. Holder, 556 U.S. 418, 434 (2009); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2021). It is

**FURTHER ORDERED**, on the court's own motion, that this appeal be expedited. The following briefing schedule will apply:

Brief of Appellant	February 6, 2023
Appendix	February 6, 2023
Brief of Appellee	February 16, 2023
Reply Brief	February 21, 2023

The parties are directed to hand-deliver the paper copies of their submissions to the court by 4:00 p.m. on the date due.

While not otherwise limited, the parties are directed to address in their briefs the following issues:

- (1) Whether this court has jurisdiction under 28 U.S.C. § 1291, the collateral order doctrine, mandamus, or some other theory;

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- (2) Whether the Speech or Debate Clause of the Constitution protects informal legislative fact-finding by individual members of Congress in the absence of official authorization;
- (3) Whether the Speech or Debate Clause's non-disclosure privilege extends to communications between members of Congress and either private parties or members of the Executive Branch; and
- (4) What specific documents or categories of documents are protected under the governing legal standards, including discussion of the categories of documents identified by the district court.

Appellant should raise all issues and arguments in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43 (2021); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010). It is

**FURTHER ORDERED** that oral argument be scheduled before this panel at 9:30 a.m. on Thursday, February 23, 2023.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail  
Deputy Clerk